

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION**

Joshua M. Wolfe,

Plaintiff,

v.

Warden Charles Williams, Associate Warden
Alyson Glidewell, Associate Warden Thomas
Robinson, Assistant Warden Leeman, Dr.
McRee, Major Marshal,

Defendants.

Civil Action No.: 8:20-cv-01915-JMC

ORDER

Plaintiff Joshua M. Wolfe, proceeding *pro se* and *in forma pauperis*, filed this civil action pursuant to 42 U.S.C. §1983. (ECF No. 1.) Plaintiff commenced this action by filing a Complaint against Defendants, alleging deliberate indifference to a serious medical need. (ECF No. 1.) This matter is before the court for review of the Report and Recommendation (“Report”) (ECF No. 29), filed on July 27, 2020, by the United States Magistrate Judge. The Magistrate Judge found that “[p]laintiff has not provided service documents (a Summons and Form USM 285) for Defendant Marshal. Plaintiff has thus failed to prosecute this case as to Defendant Major Marshal, and he has failed to comply with the Order of this Court directing him to bring the case into proper form.” (ECF No. 29 at 2.) The Report recommends that this court dismiss Defendant Marshal from this action, without prejudice, pursuant to Rule 41 of the Federal Rules of Civil Procedure. (ECF No. 29 at 2.)

The Magistrate Judge’s Report is made in accordance with 28 U.S.C. § 630(b) and Local Civil Rule 73.02(B)(2)(d) for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court, which has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-271 (1976). The

court is charged with making a *de novo* determination of those portions of the Report to which specific objections are made. *Diamond v. Colonial Life and Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005). Plaintiff was advised of his right to file objections to the Report. (ECF No. 29 at 3.) Plaintiff did not file any objections to the Report.

In the absence of objections to the Magistrate Judge's Report, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985).

After a thorough review of the Report and the record in this case, the court finds the Report provides an accurate summary of the facts and law and does not contain clear error. Therefore, the court **ACCEPTS** the Magistrate Judge's Report and Recommendation (ECF No. 29) and **DISMISSES** Defendant Marshal from this action, without prejudice.

IT IS SO ORDERED.

The image shows a handwritten signature in black ink. The signature appears to read "J. Michelle Childs". The handwriting is cursive and fluid, with the first letters of each word being capitalized and prominent.

United States District Judge

August 25, 2020
Columbia, South Carolina